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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/551,420	04/18/2000	Sharon D Dodge	IW1.P02	2406

7590 02/02/2004

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EXAMINER

SHERKAT, AREZOO

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 02/02/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/551,420

Applicant(s)

DODGE, SHARON D

Examiner

Arezoo Sherkat

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claims 1-8 are presented for examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 recites the limitation "the photographer selection" in lines 9, 12, 13, and 14 of the claim, "the received photograph specification" in line 10 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "the user review" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the photograph generation and assignment" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over White, (U.S. Patent No. 6,049,877 and White hereinafter), in view of Sparks et al., (U.S. Patent No. 6,167,382 and Sparks hereinafter).

Regarding claim 1, White discloses a method of electronically generating and assigning a photographic project (i.e., requesting and receiving a resource) comprising the steps of:

receiving a photographic assignment request (i.e., a request for a web page) from a user, the photographic assignment request received by a control program (i.e., CGI Application), the control program based within a first server(i.e., a server hosting CGI Application)(Col. 5, lines 62-67 and Col. 6, lines 1-10) ;

issuing a user identification (i.e., HTTP Cookie) by the control program, the user identification specifically corresponding to the user (Col. 8, lines 20-55);

receiving a photographic assignment specification from the user (i.e., receiving HTML documents known as forms with text fields, radio buttons and ... to perform some function on or with transmitted information) , the photographic assignment specification received by the control program (Col. 6, lines 25-50);

White briefly discloses searching a database on the web server and displaying the review reports to the user (Col. 1, lines 33-67); however, Sparks expressly discloses

searching a photographer data base (i.e., Image Database) for a photographer (i.e., the image of a product), the photographer selection corresponding to the received photograph specification, and the photographer database stored within a second server (Col. 5, lines 57, 67 and Col. 6, lines 1-47);

generating with the control program (i.e., Image Catalog Software), a search result of the photographer selection (Fig. 6 and Fig. 7 and Col. 6, lines 27-67 and Col. 7, lines 14-67);

transmitting the search result of the photographer selection to the user (Col. 6, lines 27-55);

receiving an approval of the photographer selection from the user (Col. 6, lines 56-67 and Col. 7, lines 1-17);

generating with the control program (i.e., Image Catalog software), a photograph request for the photographer (i.e., querying the Image Database for the image of a product)(Col. 7, lines 14-67 and Col. 8, lines 1-30);

transmitting the photograph request to the photographer (Col. 5, lines 41-67 and Col. 6, lines 1-20);

receiving an image from the photographer (i.e., retrieving the image of a product)(Col. 4, lines 39-67);

generating with the control program, a photograph submittal for the user (Col. 4, lines 53-63);

transmitting the photograph submittal to the user for review (Col. 5, lines 1-15);

receiving a photograph review from the user (Col. 6, lines 56-67 and Col. 7, lines 1-27);

generating a user review report for the photographer (Col. 6, lines 56-67 and Col. 7, lines 1-27); and

transmitting the user review report to the photographer (i.e., Confirmation of the order) (Col. 6, lines 56-67 and Col. 7, lines 1-27).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teachings of White with the teachings of Sparks to include searching a database based on some specification provided by the user, reporting the search result, and modifying/revising the search result/report by the user with the motivation to provide a quick and efficient assembly of pre-created library of images and templates by a client or user of the system (Sparks, Col. 2, lines 32-35).

Regarding claim 2, White does not expressly disclose the revision of the image of a product based on user's review report.

However, Sparks discloses a process further comprising the steps of
receiving with the control program, a photograph revision from the
photographer, the photograph revision in response to the user review (Col. 6,
lines 56-67 and Col. 7, lines 1-27);

generating with the control program, a revised image for the user (Col. 6,
lines 56-67 and Col. 7, lines 1-27);

transmitting the revised image to the user for review and comment (Col. 6,
lines 56-67 and Col. 7, lines 1-27);

receiving with the control program, an approval from the user (Col. 6, lines
56-67 and Col. 7, lines 1-27); and

generating with the control program, an acceptance receipt to the photographer (Col. 6, lines 56-67 and Col. 7, lines 1-27).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teachings of White with the teachings of Sparks to include searching a database based on some specification provided by the user, reporting the search result, and modifying/revising the search result/report by the user with the motivation to provide a quick and efficient assembly of pre-created library of images and templates by a client or user of the system (Sparks, Col. 2, lines 32-35).

Regarding claim 3, White discloses a method further comprising the steps of:

generating with the control program (i.e., CGI Application), an access code for the user (i.e., a HTTP cookie)(Col. 7, lines 60-67 and Col. 8, lines 1-20);
and

authenticating access to the control program by the user by requiring the user to submit the access code to the control program (Col. 8, lines 27-67 and Col. 9, lines 1-37).

Regarding claim 4, White does not expressly disclose the interaction between the control program and the database.

However, Sparks discloses wherein the step of transmitting the photograph request to the photographer further comprises the steps of,

generating with the control program, a photographer access code specifically for the photographer (Col. 6, lines 27-37 and lines 1-11); and authenticating the photographer's access to the control program by requiring the photographer to submit the photographer access code to the control program (Col. 6, lines 27-47 and lines 1-11).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teachings of White with the teachings of Sparks to include searching a database based on some specification provided by the user, reporting the search result, and modifying/revising the search result/report by the user with the motivation to provide a quick and efficient assembly of pre-created library of images and templates by a client or user of the system (Sparks, Col. 2, lines 32-35).

Regarding claim 5, White does not disclose the step of providing the user a progress history of the photograph generation and assignment.

However, Sparks discloses the step of providing the user a progress history of the photograph generation and assignment.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teachings of White with the teachings of Sparks to include searching a database based on some specification provided by the user, reporting the search result, and modifying/revising the search result/report by the user with the motivation to provide a quick and efficient assembly of pre-created library of images and templates by a client or user of the system (Sparks, Col. 2, lines 32-35).

Regarding claim 6, White does not expressly disclose the interaction between the control program and the database.

However, Sparks discloses wherein the step of transmitting the photograph request to the photographer further comprises the step of:

generating an e-mail message to the photographer (i.e., "send email" button presented to email special shipping instructions), the e-mail message containing the project description and control program contact information (i.e., it is interpreted by the Office that any information such as project description and control program contact information may be sent through email the same way as special shipping instructions are)(Fig. 59 and Col. 5, lines 16-35).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teachings of White with the teachings of Sparks to include searching a database based on some specification provided by the user, reporting the search result, and modifying/revising the search result/report by the user with the motivation to provide a quick and efficient assembly of pre-created library of images and templates by a client or user of the system (Sparks, Col. 2, lines 32-35).

Regarding claim 7, White does not disclose wherein the step of transmitting the photograph submittal to the user further comprises the step of displaying a progress image to the user.

However, Sparks discloses wherein the step of transmitting the photograph submittal to the user further comprises the step of displaying a progress image to the user (Col. 6, lines 27-37).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teachings of White with the teachings of Sparks to include searching a database based on some specification provided by the user, reporting the search result, and modifying/revising the search result/report by the user with the motivation to provide a quick and efficient assembly of pre-created library of images and templates by a client or user of the system (Sparks, Col. 2, lines 32-35).

Regarding claim 8, White discloses:

a control program (i.e., CGI Application) associated with a server, the control program capable of communicating with a user and additionally capable of communicating with a remotely located photographer (i.e., a database), the control program capable of receiving a request for a photographic assignment from the user (Col. 6, lines 11-49);

White briefly discloses searching a database on the web server and displaying the search result/review report to the user (Col. 1, lines 33-67); however, Sparks expressly discloses

a database (i.e., Image Database) associated with the control program (i.e., Image Catalog Software), the database including a store of information relating to a photographer (i.e., the image of a product), the database searchable

for a photographer having a criteria set that corresponds to the photographic assignment from the user (Col. 5, lines 57, 67 and Col. 6, lines 1-47); and
an electronic interface having the ability to transmit a communication between the user and the photographer as manipulated by the control program, the communication including a photograph specification by the user and a response to the photograph specification by the user (Col. 2, lines 27-67 and Col. 3, lines 1-19).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teachings of White with the teachings of Sparks to include searching a database based on some specification provided by the user, reporting the search result, and modifying/revising the search result/report by the user with the motivation to provide a quick and efficient assembly of pre-created library of images and templates by a client or user of the system (Sparks, Col. 2, lines 32-35).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arezoo Sherkat whose telephone number is (703) 305-8749. The examiner can normally be reached on 8:00-4:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (703) 305-9648. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3718.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Arezoo Sherkat
Patent Examiner
Technology Center 2100
January 12, 2004

Emmanuel L. Moise
EMMANUEL L. MOISE
PRIMARY EXAMINER
A/U 2136